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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/041,033

12/28/2001

Jin Yang

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04/21/2006

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EXAMINER

MCLEAN MAYO, KIMBERLY N

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,033

Applicant(s)

YANG ET AL.

Examiner

Kimberly N. McLean-Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 22, 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinchar et al. (USPN: 6,675,178) in view of Tse (USPN: 6,895,471).

Regarding claim 38, Chinchar discloses a data cache located in memory of the system (comprised of the logic elements in Figure 1, which performs the scan and update operations; the logic elements forming the data cache comprises hardware, which includes physical memory and software which is stored in memory and thus the data cache is located in memory of the system) coupled to a first set of data stored in a database (data stored in Figure 1, Reference 10) and a second set of data stored in memory of the system (data stored in Figure 1, Reference 30), wherein the data cache is configured to perform a scan operation on at least of portion of the first

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set of data and an update operation on the second set of data with changes that have occurred in the first set of data (Figure 3, (all steps); Figure 5, Steps 10-38); an engine manager coupled to the data cache and configured to instruct the data cache to perform the scan and update operations (logic in the system which initiates the above steps in Figure 3 and Figure 5; C 8, L 46-53; C 9, L 5-8) and wherein the engine manager is configured to determine if the first set of data [data in the first database] has changed since the last update (C 8, L 36-39) and is configured to perform a second update on the second set of data with the changes to the first set of data since the last update operation (whenever a change is detected, the system repeats the steps in Figure 3 and 5; C 8, L 46-53; C 9, L 5-8) and a solver (Figure 1, References 22, 24, 26 and 28) coupled to the data cache and configured to perform computations on the second set of data (Figure 4 (all steps); Figure 5, Step 40) and wherein the solver is configured to re-perform the computations on the updated second set of data including changes that have occurred on the first set of data since the last update operation (whenever a change is detected, the system repeats the steps (Figure 4 (all steps); Figure 5, Step 40). Additionally, regarding claim 37, all hardware systems include software (instructions on a computer readable medium) to control the hardware elements of the system. Chinchar does not disclose the data stored in the data cache facilitating faster computations on the data stored therein than if the data is stored in a database or performing computations on the updated data stored in the data cache, wherein the updated data includes the changes that have occurred in the first set of data. However, Tse discloses storing data in a data cache wherein the data stored in the data cache facilitating faster computations on the data stored therein than if the data is stored in a database (C 8, L 43-48, L 52-65; C 10, L 27-39) and performing computations (via the aggregator) on the updated data stored in the data

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cache, wherein the updated data includes the changes that have occurred in the first set of data (C 8, L 45-48, L 56-66; C 10, L 27-39). Tse discloses that these features provide faster completion of data processing using less computational resources (C 8, L 54-55). In Chinchar's system, data processing is performed on the data stored in the database storage. One of ordinary skill in the art would have recognized that Chinchar's system could be improved by providing faster computations using Tse's cache teachings. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Tse's teachings with the system taught by Chinchar for the desirable purpose of improved performance.

Regarding claims 39, Chinchar discloses an application specific plug-in coupled to the solver to perform the computations on the second set of data (the system software used to control elements 22, 24, 26 and 28 in Figure 1).

Regarding claims 40, Chinchar discloses the system configured to update the second set of data with substantially no more than the changes to the first set of data (C 9, L 1-18; C 11, L 17-54).

Regarding claim 41, Chinchar discloses the system configured to update the second set of data with changes to the first set of data in a near real-time fashion (C 11, L 55-63).

Regarding claim 42, Chinchar discloses the system is configured to update the second set of data with substantially no more than the changes to the first set of data that meet a given condition (C 9, L 1-18; C 11, L 17-54; condition -> data which has been changed since the last update).

Regarding claim 43, Chinchar discloses the data cache coupled to a first set of data and a second set of data in a bidirectional fashion (C 4, L 54-55; C 10, L 64-67).

Regarding claim 44, Chinchar discloses the first set of data comprising metadata (Figure 1, Reference 14, configuration data) and application data (Figure 1, Reference 12; transactional data).

Regarding claim 45, Chinchar discloses the solver comprising a generic algorithms module (C 5, L 10-67; C 6, L 1-23).

Regarding claim 46, Chinchar discloses the computations solving problems encountered in business applications (C 3, L 11-25; C 4, L 66-67; C 5, L 1-3).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument with respect to claim 38, the Examiner disagrees. The Applicant has asserted that Chinchar does not teach or suggest that the data for the transaction might change during the processing of the transaction, such that the data used to process the transaction may no longer be accurate and does not teach detecting and transmitting the changes after the initiation of the transaction. The aforementioned assertions are incommensurate with

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the claim. The claims do not make mention of the data for the transaction possible changing during the processing of the transaction such that the data used to process the transaction may no longer be accurate or detecting changes after the initiation of the transaction. However, Chinchar specifically teaches detecting a change in configuration data stored in a database in real-time (Figure 3, S10). Hence, the need to perform this step implies that the data has changed from its original contents otherwise there would be no need to detect changes.

Additionally, the Applicant has asserted that Chinchar does not disclose a solver configured to re-perform the one or more computations on the updated second set of data stored in the data cache including the changes that have occurred in the first set of data since the last update operation, whereby a transaction can be re-processed where the underlying data has changed during the processing of the transaction. Referring to Figure 4 in Chinchar's system, the disclosed steps are performed periodically to determine changes that have occurred after a maximum time interval. The changes are updated to the second database and the computations are made thereafter.

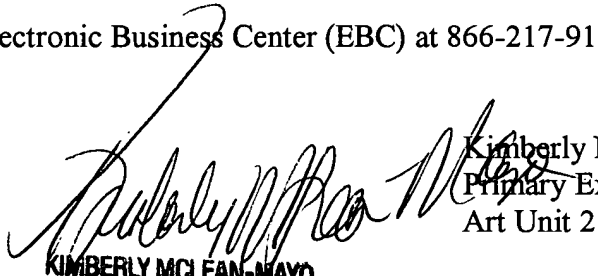
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 571-272-4194. The examiner can normally be reached on Mon, Wed, Thurs (10-4), Tues (9:45 - 6:15).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly N. McLean-Mayo
Primary Examiner
Art Unit 2187
KIMBERLY MCLEAN-MAYO
PRIMARY EXAMINER

KNM

April 17, 2006